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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Paul HOWLEY et al

Patent App. 10/510,189

Filed 30 September 2004

Conf. No. 7534

For RECOMBINANT POXVIRUS EXPRESSING HOMOLOGOUS
GENES INSERTED

Art Unit 1648

Examiner Hurt, S

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DEPOSIT OF MICROORGANISM

UNDER 37 CFR 1.808

I, Dr. Petra Pielken, a citizen of Germany, declare as follows:

THAT I am the Director of Patents for Bavarian-Nordic A/S, assignee of the present application, and that my address is Bavarian Nordic GmbH, Fraunhoferstrasse 18b, 82152, Martinsreid, Germany;

That a deposit of the poxvirus MVA-BN has been made on 30 August 2000 in the European Collection of Animal Cell Cultures (ECACC), a depository affording permanence of the deposit and ready accessibility thereto by the public if a patent is granted. The name and address of the depository is as follows:

European Collection of Animal Cell Cultures
Centre for Applied Microbiology and Research
Salisbury
Wiltshire SP4 OJG
United Kingdom

That the deposited material MVA-BN has been accorded a specific accession number 00083008;

That all restrictions on the availability to the public of the material will be irrevocably removed upon the granting of a patent;

That the deposited material MVA-BN has been deposited under conditions that ensure that access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 35 CFR 1.14 and 35 USC 122;

That the deposited material MVA-BN will be stored with all care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case at least thirty (30) years after the date of a deposit or for the enforceable life of the patent, whichever is longer.

THAT I acknowledge the duty to replace the deposit should the depository be unable to furnish a sample when requested due to the condition of the deposit and

That I declare further that all statements made therein of my own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

16 Aug. 2006

Date

Petra Pielken.

Dr. Petra Pielken